

REMARKS

Claims 1-20 are all the claims pending in the application, claims 19 and 20 having been added by the present amendment. Claims 1 and 15 are the only independent claims.

The foregoing new claims have been presented for clarification and to claim the disclosed invention more completely, and have not been submitted in response to any rejection or objection relating to patentability.

Claims 1-10 and 12-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pecoraro (U.S. patent 5,866,829) in view of the Furman Sound publication (Furman). Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Pecoraro in view of Furman and Gillaspy (U.S. patent 5,506,371). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

Rejection under 35 U.S.C. §103(a) as being anticipated by Pecoraro and Furman

The Examiner rejects claims 1-10 and 12-18 under 35 U.S.C. §103(a) as being unpatentable over by Pecoraro in view of Furman. Applicant has identified several distinctions between the cited references, which will now be discussed.

Pecoraro modules do not generate “control signals”

The first distinction relates to the claim 1 feature requiring that “each controller module of said plurality of individual foot controller modules generates a control signal.” Page 2 of the Office Action equates elements 14 and 26 with the claimed “foot controller modules.”

Applicant assumes *arguendo* that Pecoraro provides such a teaching; that is, that elements 14 and 26 are “foot controller modules.” Even if this were correct, elements 14 and 26 (foot controller modules) of Pecoraro do not generate a “control signal.” Instead, these components provide audio signals, not “control signals” as required by claim 1.

Applicant recognizes that the very sparse disclosure of Pecoraro does not explicitly state that elements 14 and 26 provide “audio signals.” However, Pecoraro likewise does not explicitly state that elements 14 and 26 provide “control signals,” as required by claim 1. Applicant further submits that elements 14 and 26 are well known audio effects boxes which provide signal processing to an incoming audio signal. Consequently, elements 14 and 26 provide processed audio signals, not the claimed “control signals.” Applicant stands ready to provide a suitable declaration with regard to the teachings of Pecoraro should the Examiner deem this necessary.

No “external system” in Pecoraro

A second distinction relates to the claim 1 feature of “a control signal interface adapted to transmit control signals to an external system.” Page 2 of the Action indicated that sound control unit 16 teaches the claimed “control signal interface.” Assuming, for the sake of argument, that this is correct, Pecoraro does not provide any teaching or suggestion that sound control unit 16 transmits control signals to an “external system.” Although the Action equates the claimed “external system” with an amplifier, Applicant is unable to locate any discussion in Pecoraro which states that sound control unit 16 transmits control signals to an amplifier.

Furman Velcro does not teach “predetermined mounting locations”

Apparently, at least in part as an alternative to reliance solely on Pecoraro, the Examiner asserts that Pecoraro teaches each of the claim limitations, except for the “readily positionable” feature. The Examiner attempts to remedy this deficiency of Pecoraro by relying upon Furman to teach the “readily positionable” limitation.

Claim 1 requires “a mounting frame comprising a plurality of predetermined mounting locations structured to secure said plurality of individual foot controller modules in a reconfigurable mounting arrangement.” Page 2 of the Action relies upon Furman’s use of Velcro in conjunction with pedals of a pedal board. However, even if the Pecoraro system could be modified in accordance with the purported teachings of Furman, the resulting system would not teach all of the limitations of claim 1. Specifically, even if elements 14 and 26 of Pecoraro could be modified to include Velcro, this would simply permit these elements to be repositionable at various locations within base 20. The distinction is that none of these “Velcro locations” are predetermined, as required by claim 1.

In view of the foregoing, Pecoraro fails to teach or suggest a number of features recited in claim 1, and therefore this claim is believed to be patentable. Independent claim 15 recites similar language, and is therefore also believed to be patentable for similar reasons. Dependent claims 2-10, 12-14, and 16-18 are further believed to be patentable at least by virtue of their respective dependencies on the patentable independent claims 1 and 15. Newly added claims 18 and 19 are likewise believed to be patentable based on their dependency on claim 1.

Rejection Under 35 U.S.C. §103(a)
as being unpatentable over Pecoraro, Furman, and Gillaspy

The Examiner rejects claim 11 under 35 U.S.C. §103(a) as being unpatentable over Pecoraro in view of Furman and Gillaspy. Applicant has demonstrated above that Pecoraro and Furman do not teach or suggest various features recited in claim 1. Applicant further submits that Gillaspy does not supply any of the deficiencies of these references. Therefore, for the reasons presented above, even if one skilled in the art were to combine the teachings of Pecoraro, Furman, and Gillaspy in the manner asserted, claim 11 would be patentable at least by virtue of its dependency upon patentable independent claim 1.

CONCLUSION

In light of the above remarks, Applicant submits that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

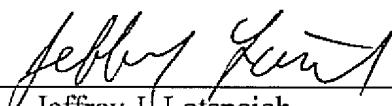
Respectfully submitted,

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